

ORDINANCE NO. 45-930

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY CITY OF WICHITA CODE SEC. 28.04.010.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Sec 28.04.010, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON 2002-27

Zone change request from to "SF-20" Single-Family Residential District to "LC" Limited Commercial District P-O #114 - Protective Overlay District, for property described as:

A tract of land in the NW 1/4 of Section 3, Township 28, Range 2 East described as follows:

Commencing at the southwest corner of said NW 1/4; thence north along an assumed bearing of N00° east a distance of 211.69 feet to the point of beginning; thence N90°E, 382 feet; thence N00° east, 123 feet; thence N90° west 142 feet; thence S00° west, 93 feet; thence 90° west, 240 feet to a point on the west line of said NW 1/4; thence S00° west along said west line, 30 feet to the point of beginning; except the west 60 feet thereof, Sedgwick County, Kansas.

Generally located on the east side of Greenwich Road, South of Pawnee.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

1. The subject property shall be limited to all uses of the "SF-20" Single-Family Residential district and "vehicle repair, limited", as defined by the Wichita-Sedgwick County Unified Zoning Code, and the retailing of specialty automotive parts and accessories.

2. The subject property shall be maintained in accordance with the following standards:

- a) No alteration of the existing subject building or premises shall be made that changes the character or appearance thereof.
- b) The 800 square foot retail area contained within the existing building shall not be expanded.
- c) There shall be no outdoor storage of equipment, parts, waste, waste containers, or any other associated items related to the uses

within the subject building. All vehicles associated with the vehicle repair and part sales business shall be stored inside the subject building.

d) The subject property shall be tied together with the existing residential property to the south through the use of a restrictive covenant. The properties which are tied together shall include the area to be rezoned, the existing residential structure, and the sewage lagoon on a lot (or lots in aggregate) meeting the minimum size requirement of the "SF-20" district for properties with a sewage lagoon. The restrictive covenant shall prevent the subject property from being sold to an entity separate from the existing, or future, residential property owner. This restriction is to ensure that the use of the subject building will remain accessory to the principle residential use of the larger property. The restrictive covenant shall inure to Sedgwick County, shall only be amended or terminated with the approval of Board of County Commissioners, shall be in a form and content approved by the County Counselor, and shall be recorded with the Register of Deeds prior to publishing the zoning resolution.

e) No more than four (4) persons, other than persons occupying such dwelling unit as their residence, shall be employed within the subject building.

f) All retail sales and vehicle repair activities shall be conducted entirely within the subject building.

g) No signs shall be permitted.

h) Hours of operation for retail sales shall be limited to 8:00 a.m. to 6:00 p.m., Monday through Friday, and 8:00 a.m. to 12:00 p.m. on Saturday.

i) The applicant shall have the subject building inspected by County Code Enforcement and the County Fire Department to ensure that it meets all applicable codes, policies and standards. These inspections shall be completed and approved prior to publishing the zoning resolution.

j) If applicable, the applicant shall develop a hazardous material waste storage and disposal plan to meet all applicable codes, policies and standards. This plan shall include the safe storage of all commercial waste; the prevention of any commercial waste from entering the on-site sewage disposal system, to include floor drain waste from the subject building; and the safe containment of any spilled commercial waste. This plan shall be approved by the Kansas Department of Health and Environment prior to publishing the zoning resolution.

k) If applicable, the applicant shall submit the "Regulated Waste Activity Notification" form to the Kansas Department of Health and Environment, and obtain a regulated waste license from the Kansas Department of Health and Environment.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 18th Day of November, 2003.

ATTEST:

Karen Schofield, City Clerk

Carlos Mayans, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney